

REMARKS

Claims 1-25 are pending in the application. Claims 1, 10, and 17 are independent. Claims 1, 3, 6, 10, and 17 have been amended. Claims 26-29 have been canceled. These changes are believed to introduce no new matter and their entry is respectfully requested.

Rejection of Claims 1-29 Under 35 U.S.C. §103(a)

In paragraph 2 of the Office Action, the Examiner rejected claims 1-29 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,016,476 to Maes et al. (“Maes”). To establish a *prima facie* case of obviousness, an Examiner must show three things: (1) that there is some suggestion or motivation to modify a reference or combine reference teachings to arrive at the claimed invention, (2) that there must be a reasonable expectation of success, and (3) that the references teach or suggest each and every element of the claimed invention. (MPEP §2143.) The modification proposed by the Examiner cannot render the cited reference unsatisfactory for its intended purpose or change the principle of operation. (MPEP §2143.01.) Applicant respectfully traverses the rejection.

Independent claims 1 and 17 recite in pertinent part “identifying a user associated with the corresponding biometric data; and ***checking a credential service for professional license, professional license validity, and/or professional certification*** credential information associated with the identified user to determine whether the user is permitted to perform the requested health-related transaction” (emphasis added). Independent claim 10 recites in pertinent part “a credential request unit to determine validity of credential information associated with the user if corresponding biometric data is stored, ***the credential information including professional license, professional license validity, and/ professional certification***; and an internal network port to receive the request for the health-related transaction from the portable healthcare device and to send enabling information for performing the health-related transaction to the portable healthcare device if the credential information is ***valid if the credential information indicates that the user is permitted to perform the health-related transaction***” (emphasis added). Support for these changes according to one embodiment can be found in Applicant’s Specification at paragraphs [0015], [0064] through [0068], and Figure 4B. According to embodiments of the present invention, the credential service may be a licensing establishment that may include such information as disciplinary actions associated with the user, for example. As is the case with

most licensing establishments, therefore, a user is not normally able to access information of this type to amend it in any way. Thus, the user does not control whether the user is permitted to perform the requested health-related transaction or if permitted, what the health-related transaction limitations are.

In contrast to the claimed invention, in Maes the user provides the service provider with the “transaction limitations” (col. 9, line 67) and can change them at any time by returning to the “client/server mode” of operation. That is, Maes permits users to specify financial transaction parameters for credit cards or other bank cards, transfer those financial parameters to a smartcard using a PDA, and use the smart card to make purchases consistent with the user-specified parameters for the enrolled cards rather than the bank cards themselves. The user is in control of whether the user is permitted to perform the requested financial transaction and if permitted, what the financial transaction limitations are. Accordingly, Applicant respectfully submits that Maes is not properly applied to the claimed invention.

Even, assuming for the sake of argument, that Maes is properly applied to the claimed invention, Applicant respectfully submits that Maes fails to teach or suggest each and every element of the claimed invention. For example, Maes fails to teach or suggest ***checking a credential service for professional license, professional license validity, and/or professional certification*** credential information associated with the identified user to determine whether the user is permitted to perform the requested health-related transaction” (emphasis added). Because Maes fails to teach or suggest each and every element of the claimed invention, Applicant therefore respectfully submits that claims 1, 10, and 17 are patentable over Maes. Claims 2-9, 11-16, and 18-25 properly depend from patentable claims and as a result are patentable over Maes as well. By the foregoing Amendment, claims 26-29 have been canceled rendering the rejection of them moot. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections to claims 1-29.

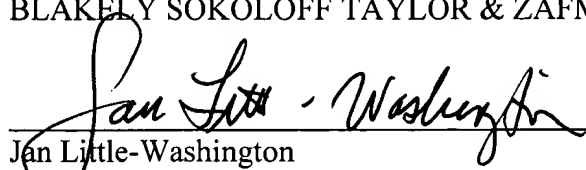
CONCLUSION

Applicant respectfully submits that all grounds for rejection have been properly traversed or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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Date: 11/9/04


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